

In re ) Fair Hearing No. 21,040  
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Appeal of )

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit, denying petitioner Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner is a fifty-four year old individual who is not currently employed. Petitioner stated she is unable to work due to medical problems. The petitioner applied for VHAP as a household of two.<sup>1</sup> Petitioner is currently applying for disability benefits from the Social Security Administration. Petitioner is receiving help with the cost of her medications through the Healthy Vermonters Program.

2. A hearing was held on November 1, 2007. Based on the testimony, petitioner's income comes from her husband's

<sup>1</sup> The petitioner is married but her spouse is presently incarcerated.

monthly pension of \$1,032.95 and her husband's monthly Social Security retirement benefits of \$1,119.50. In all, petitioner's monthly income is \$2,152.45, which is in excess of the VHAP maximum of \$1,712 per month for a two person household without minor children.

3. The petitioner was advised to immediately reapply for VHAP if her household's income falls below the VHAP program maximum and to notify the Department if her application for disability benefits is granted by the Social Security Administration.<sup>2</sup>

ORDER

The Department's decision is affirmed.

REASONS

The Vermont Legislature created VHAP to extend medical insurance to low-income Vermonters who lack medical insurance or are underinsured provided that their income is less than 150 percent of the federal poverty level. W.A.M. § 4000. Under the VHAP program, all income including unearned income from pensions and the Social Security Administration are

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<sup>2</sup> If petitioner is found to be disabled by the Social Security Administration, the petitioner's eligibility for Medicaid will be contingent upon first a review of her resources; and, then, if her resources are less than the resource limit, calculation of a spend-down based on her current income which is currently in excess of the Medicaid program monthly maximum of \$925 for a household of two.

counted by the Department to determine eligibility. W.A.M. \$ 4001.81.

The petitioner's countable household income is in excess of the maximum countable income for a household of two of \$1,712. P-2420B. As a result, the Department's decision denying petitioner VHAP should be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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